

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

WILSON L. CLOW JR. and  
LYNNE A. CLOW,

Plaintiffs,

No. 1:10-cv-03093-CL

v.

BANK OF AMERICA, BAC,  
(BANK OF AMERICA CORPORATION),

**ORDER**

Defendants.

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). When either party objects to any portion of a Magistrate Judge's Report and Recommendation, the district court makes a de novo determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F. 2d 1309, 1313 (9th Cir. 1981).

1 - ORDER

Here, plaintiff objects to the Report and Recommendation, so I have reviewed this matter de novo. I agree with Magistrate Judge Clarke that plaintiffs' amended complaint does not state claims for breach of contract or declaratory relief, and there is no indication that an amendment could cure the deficiencies. Accordingly, I ADOPT the Report and Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#35) is adopted. Defendants' motion to dismiss (#27) is granted.

IT IS SO ORDERED.

DATED this 2 day of February, 2012.



OWEN M. PANNER  
U.S. DISTRICT JUDGE